

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUDITH TRACKWELL,)	
)	
Plaintiff,)	4:05CV3171
)	
V.)	
)	
B & J PARTNERSHIP, Ltd.,)	MEMORANDUM AND ORDER
)	
Defendant,)	
)	
and)	
)	
MARY C. WICKENKAMP,)	
)	
Judgment-Debtor)	

Ms. Wickenkamp has filed a motion for leave to file an amended answer or response (filing no. 291) to this Court's order to show cause dated May 24, 2010 (filing no. 186). I will deny the motion

In this case, there is an appeal pending to the United States Court of Appeals for the Eighth Circuit commenced by Ms. Wickenkamp. My review of the briefs filed with the Court of Appeals suggests that one of the issues raised on appeal is whether Ms. Wickenkamp has waived certain arguments and defenses by pursuing dilatory litigation tactics. The proposed answer appears to be an attempt to address the waiver issue by asserting certain arguments and defenses that may have already been waived. In any event, I think it unwise to alter the pleading posture of this case while the appeal is pending. Therefore,

IT IS ORDERED the motion for leave to file amended answer or response (filing no. 291) is denied without prejudice.

DATED this 25th day of April, 2011.

BY THE COURT:

Richard G. Kopp
United States District Judge